

# **Exhibit A**

**Communication About Defendants' Deposition  
(Reverse Chronological Order)**

**From:** "Timothy Clark Dudley" <tedudleyesq@gmail.com>  
**Date:** Wednesday, May 30, 2012 9:23 AM  
**To:** "Alan Edwards" <alan@edwardshilton.com>  
**Subject:** Re: Responses and deposition  
Alan,

I thought I responded about the deposition. Apologies. Mr Bagley and As American can do 21 June. I'm just gathering the final items of discovery today.

On May 30, 2012, at 8:42 AM, Alan Edwards wrote:

Timothy, we did not receive your discovery responses yesterday as agreed at our meeting last week. I have also received no response to my e-mail last Friday regarding Mr. Bagley's deposition. Please contact me ASAP.

ALAN L. EDWARDS  
REGISTERED PATENT ATTORNEY  
[ALAN@EDWARDSHILTON.COM](mailto:ALAN@EDWARDSHILTON.COM)  
EDWARDS HILTON  
8 EAST BROADWAY, SUITE 710 | SALT LAKE CITY, UTAH 84111  
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**From:** "Alan Edwards" <alan@edwardshilton.com>  
**Date:** Wednesday, May 30, 2012 8:42 AM  
**To:** "Timothy Dudley" <tdudleyesq@gmail.com>  
**Cc:** "Scott C Hilton" <scott@edwardshilton.com>  
**Subject:** Responses and deposition

Timothy, we did not receive your discovery responses yesterday as agreed at our meeting last week. I have also received no response to my e-mail last Friday regarding Mr. Bagley's deposition. Please contact me ASAP.

ALAN L. EDWARDS

REGISTERED PATENT ATTORNEY

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6/4/2012

**From:** "Alan Edwards" <alan@edwardshilton.com>  
**Date:** Friday, May 25, 2012 10:52 AM  
**To:** "Timothy Dudley" <tdudleyesq@gmail.com>  
**Subject:** Deposition scheduling

Dear Timothy:

I must have been drunk at our meeting – there's no need to rush Mr. Bagley's deposition unduly; I was thinking the hearing was next month, not July, and we actually could use some more time to go through the documents. I suggest 21 June – would that work for you?

ALAN L. EDWARDS

REGISTERED PATENT ATTORNEY

[ALAN@EDWARDSHILTON.COM](mailto:ALAN@EDWARDSHILTON.COM)

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Alan L. Edwards (6086)  
Scott C. Hilton (12554)  
Richard B. Nordgren (12188)  
KUNZLER LAW GROUP  
8 East Broadway, Suite 600  
Salt Lake City, Utah 84111  
Telephone: (801) 994-4646  
Facsimile: (801) 531-1929

*Attorneys for Defendants, Consolidated Plaintiff*

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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MP-OTHA Corporation,  
Consolidated Plaintiff,

v.

As American as Doughnuts, Inc.;  
Douglas E. Bagley, d.b.a. Spudnuts; and  
DOES 1-10,

Consolidated Defendants.

**NOTICE OF FED. R. CIV. P. 30  
DEPOSITION BY ORAL  
EXAMINATION**

Case No. **2:10CV01138 CW**  
(consolidated with  
Case No. 2:11CV00241 CW)

District Judge: **Clark Waddoups**

Magistrate Judge: **Brooke C. Wells**

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TO: CONSOLIDATED DEFENDANT/PLAINTIFF AS AMERICAN AS DOUGHNUTS, INC.

PLEASE TAKE NOTICE that pursuant to Federal Rules of Civil Procedure 30, Consolidated Plaintiff, through its counsel, will take the deposition on oral examination of As American as Doughnuts, Inc. ("As American") before a Notary Public or other officer duly authorized to administer oaths, commencing at 9:00 a.m., on May 23, 2012 at the law offices of Kunzler Law Group at 8 East Broadway, Suite 600, Salt Lake City, Utah 84111. The deposition will be recorded by stenography. You are invited to attend and cross-examine.

Pursuant to Federal Rules of Civil Procedure 30(b)(6), As American must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on its behalf for the deposition. The matters for examination shall include As American's

dealings with Michael Patton and MP-OTHA Corporation related to the Supplier Agreement (No. 6, Ex. E); As American's relationship with Ernest Markisich; dealings with Roger Grear Sr. regarding the SPUDNUTS mark; As American's use of the SPUDNUTS mark and related designations (the "marks in suit") on goods and services; As American's licensing of the marks in suit; As American's communications with third parties, including letters to other doughnut shops, related to the current dispute; As American's alleged acquisition of recipes from Will Bellar and Spudnuts, Inc.; and other matters relating to the claims, defenses, and counterclaims in this case involving As American.

PLEASE TAKE FURTHER NOTICE that the deposition so taken will be used for all purposes for which depositions may be used under the Federal Rules of Civil Procedure.

DATED : 25 April 2012

By: /s/ Alan L. Edwards

Alan L. Edwards  
Kunzler Law Group  
8 East Broadway, Suite 600  
Salt Lake City, UT 84111  
Phone: 801.994.4646

**CERTIFICATE OF SERVICE**

I hereby certify that on April 25, 2012, a true and correct copy of the foregoing **NOTICE OF FED. R. CIV. P. 30 DEPOSITION BY ORAL EXAMINATION** was served by electronic mail on the following:

Timothy C. Dudley  
City Creek Law Group PLLC  
222 S. Main St. 5th Floor  
Salt Lake City, UT 84101  
(801)661-8940  
tcdudleyesq@gmail.com

By: /s/ Richard B. Nordgren  
Richard B. Nordgren  
Kunzler Law Group  
8 East Broadway, Suite 600  
Salt Lake City, UT 84111  
Phone: 801.994.4646

Alan L. Edwards (6086)  
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*Attorneys for Defendants, Consolidated Plaintiff*

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Case No. 2:11CV00241 CW)

District Judge: **Clark Waddoups**

Magistrate Judge: **Brooke C. Wells**

---

TO: CONSOLIDATED DEFENDANT DOUGLAS E. BAGLEY

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 30, Consolidated Plaintiff, through its counsel, will take the deposition on oral examination of Douglas E. Bagley before a Notary Public or other officer duly authorized to administer oaths, commencing at 9:00 a.m., on May 23, 2012 at the law offices of Kunzler Law Group at 8 East Broadway, Suite 600, Salt Lake City, Utah 84111. The deposition will be recorded by stenography. You are invited to attend and cross-examine.

PLEASE TAKE FURTHER NOTICE that the deposition so taken will be used by Consolidated Plaintiff for all purposes for which depositions may be used under the Federal Rules of Civil Procedure.



DATED: 25 April 2012

By: /s/ Alan L. Edwards

Alan L. Edwards  
Kunzler Law Group  
8 East Broadway, Suite 600  
Salt Lake City, UT 84111  
Phone: 801.994.4646

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I hereby certify that on April 25, 2012, a true and correct copy of the foregoing **NOTICE OF FED. R. CIV. P. 30 DEPOSITION BY ORAL EXAMINATION** was served by electronic mail on the following:

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By: /s/ Richard B. Nordgren  
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